

declared to be the Standard Weight, which in all cases shall be allowed to be equal to the Winchester Bushel, namely :

Wheat,.....	Sixty pounds.
Indian Corn,.....	Fifty-six pounds.
Rye,.....	Fifty-six pounds.
Peas,.....	Sixty pounds.
Barley,.....	Forty-eight pounds
Oats,.....	Thirty-four pounds.
Beans,.....	Fifty pounds.
Timothy and Clover Seed,.....	Sixty pounds.

Previous contracts not affected by this Act.

Provided always, that the effect of any contract made before the passing of this Act shall not be varied by any thing herein contained.

Operation of this Act upon subsequent contracts.

II. *And be it further enacted by the authority aforesaid*, That upon every sale or delivery of any description of Grain or Pulse in this Act mentioned, which shall be made after the passing of this Act, and in every contract which shall be made after the passing of this Act, for the sale or delivery of any such Grain or Pulse, the bushel shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a bushel in measure, or according to any greater or less weight, unless the contrary shall appear to have been agreed upon by the parties.

CHAP. VIII.

AN ACT to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, Chapter Twelve, entitled, "An Act to regulate Line Fences and Water Courses," and to repeal so much of an Act passed in the Thirty-third year of the Reign of His late Majesty King George the Third, entitled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads.

[Passed 16th April, 1835.]

Preamble.

WHEREAS it is expedient that the several Laws now in force relative to the appointment and duties of Township Officers, and the mode of notifying and holding Township Meetings, except an Act passed in the fourth year of the reign of William the Fourth, Chapter Twelve, entitled,

“An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, “An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,” as relates to the Office of Fence Viewers being discharged by Overseers of Highways and Roads, should be repealed and reduced to one Act of Parliament, and that provision should be made for the appointment of certain other Township Officers not now authorised to be chosen : *Be it therefore enacted*, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That an Act passed in the thirty-third year of the reign of King George the Third, entitled, “An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,” except the tenth clause thereof, and also an Act passed in the thirty-fourth year of George the Third, entitled, “An Act to restrain the custom of permitting horned Cattle, Horses, Sheep and Swine to run at large;” and also the first, second and third clauses of an Act passed in the forty-third year of the reign of George the Third, entitled, “An Act to extend the provisions of an Act passed in the thirty-fourth of His Majesty’s reign, entitled, ‘An Act to restrain the custom of permitting horned Cattle, Horses, Sheep and Swine to run at large ;’” and also an Act passed in the forty-fourth year of the reign of George the Third, entitled, “An Act to repeal so much of an Act passed in the thirty-fourth year of His Majesty’s reign, entitled, ‘An Act to restrain the custom of permitting horned Cattle, Horses, Sheep and Swine to run at large,” as relates to Sheep, and to restrain the owners of Rams from permitting them to run at large during a certain time of the year ;” and also an Act passed in the forty-fifth year of the reign of George the Third, entitled, “An Act to make provision for further appointments of Parish and Town Officers throughout this Province ;” and also an Act passed in the forty-sixth year of the reign of George the Third, entitled, “An Act to alter and amend an Act passed in the thirty-third year of His present Majesty’s reign, entitled, ‘An Act to provide for the nomination and appointment of Parish and Town Officers ;’” and also to repeal certain parts of an Act passed in the thirty-third of His present Majesty’s reign, entitled, “An Act to authorise and direct the laying and collecting of Assessments and Rates in every District in this Province, and to pro-

33 Geo. 3. c.

34 Geo. 3. c.

43 Geo. 3. c. § 2, 3.

44 Geo. 3. c. 1

45 Geo. 3, c.

46 Geo. 3.

vide for payment of wages to the Members of the House of Assembly;” and also an Act passed in the forty-eighth year of George the Third, entitled, “An Act for the better regulation of Parish and Town Officers throughout this Province;” and also the sixth, seventh, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third Clauses of an Act passed in the fiftieth year of the reign of George the Third, entitled, “An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose;” and also an Act passed in the fifty-first year of George the Third, entitled, “An Act to repeal an Act passed in the forty-seventh year of His Majesty’s reign, entitled, ‘An Act to repeal the several Acts now in force in this Province relating to Rates and Assessments, and also to particularize the property real and personal, which during the continuance thereof shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provisions for the same;” and also an Act passed in the fifty-third year of George the Third, entitled, “An Act to alter and amend an Act passed in the forty-eighth year of His Majesty’s reign, entitled, ‘An Act for the better regulation of Parish and Town Officers throughout this Province;” and also an Act passed in the fifty-sixth year of George the Third, entitled, “An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty’s reign, entitled, ‘An Act to provide for the laying out, amending and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose;” and also an Act passed in the fifty-seventh year of George the Third, entitled, “An Act to repeal part of, and alter and amend an Act passed in the thirty-third year of His Majesty’s reign, entitled, ‘An Act to provide for the nomination and appointment of Parish and Town Officers within this Province;” and also an Act passed in the fifty-ninth year of George the Third, entitled, “An Act further to extend the provisions of an Act passed in the fifty-fifth year of His Majesty’s reign, entitled, ‘An Act to make provision for the further appointment of Parish and Town Officers throughout this Province’; and also the third, sixth, ninth, tenth, eleventh, and sixteenth clauses of an Act passed in the fifty-ninth year of George the Third, entitled, “An Act to repeal the several Laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other ratable property throughout this Province”; and also the sixth, eighth, ninth, eleventh, and twelfth clauses of an Act passed in the

45 Geo. 3. c.

Various clauses of 50
Geo. 3. c.

53 Geo. 3. c.

56 Geo. 3. c.

57 Geo. 3. c.

59 Geo. 3. c.

Certain clauses of 59
Geo. 3. c.

And of 59 Geo. 3. c.

fifty-ninth year of the reign of George the Third, entitled, “An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair, the public Highways and Roads in this Province”; and also an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, “An Act to repeal part of the second clause of an Act passed in the thirty-third year of His late Majesty’s reign, entitled, “An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, and to make more effectual provision for obtaining an accurate census of the Population of this Province”; and also the fourth, fifth, and eighth clauses of an Act passed in the fourth year of George the Fourth, entitled, “An Act to repeal part of, and amend an Act passed in the fiftieth year of His late Majesty’s reign, entitled, ‘An Act to provide for the laying out, amending, and keeping in repair, the public Highways and Roads in this Province, and to repeal the laws now in force for that purpose, and also to repeal part of, and amend the provisions of an Act passed in the fifty-ninth year of His late Majesty’s reign, entitled, ‘An Act to repeal part of, and amend the Laws now in force for laying out, amending, and keeping in repair, the public Highways and Roads in this Province;’” and also an Act passed in the eleventh year of His late Majesty George the Fourth, entitled, “An Act to provide for an increase of the number of Overseers of Highways, Pounds, and Pound-Keepers, in the respective Townships throughout this Province;” and also an Act passed in the fourth year of William the Fourth, Chapter Eleventh, entitled, “An Act to repeal part of and amend the Laws now in force in this Province, respecting the appointment and duties of Township Officers,” be and the same are hereby repealed: *Provided always*, that any prior Acts or Enactments repealed by any of the Acts hereinbefore recited shall be and remain repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, the Township Clerk for the time being, in each and every Township within this Province, shall assemble the Inhabitants of said Township being Householders or Freeholders, and paying or liable to pay any public assessment or rate of such Township, on the first Monday in January, at the hour of ten o’clock in the forenoon, at such place as shall have been agreed upon by the inhabitant Householders and Freeholders at the previous Township Meeting, or if no place shall have been so agreed upon at such previous Meeting, then at the place where such previous Meeting was holden: *Provided, nevertheless*, that the general Township Meetings for the year next ensuing the passing of this Act, shall be holden at the respective places where they shall have been last before holden; and such Township Clerk shall affix a notice

⁴ Geo. 4. c.

⁴ Geo. 4. c. § 4, 5 & 8.

¹¹ Geo. 4. c.

⁴ W. 4. c. 11.

^{Township Meetings, how to be summoned.}

^{Place of Meeting.}

^{Notice of Township Meeting.}

of the time and place of such Township Meeting, for at least fifteen days previous thereto, in at least three of the most public places in the Township, and the inhabitant Householders and Freeholders when so assembled, shall choose a Chairman, whose duty it shall be to preside and keep order and declare the decision of the Meeting on all matters to be lawfully transacted thereat: *Provided always*, that until such Chairman be chosen, the said Township Clerk if present, shall preside and keep order.

Qualification to Vote.

III. *And be it further enacted by the authority aforesaid*, That no person shall be qualified to vote at any Township Meeting under the provisions of this Act, except he be a Householder or Freeholder in such Township, of the full age of twenty-one years; and that all matters and questions at such Township Meetings shall be decided by the majority of the said inhabitant Householders and Freeholders of the Township then and there present.

Penalty for Voting,
&c. not being duly
qualified.

IV. *And be it further enacted by the authority aforesaid*, That any person whatever voting or offering to vote at any such Township Meeting as aforesaid, not being duly qualified by Law to vote, shall be subject and liable to a penalty of not less than Five Shillings or more than Twenty Shillings, to be recovered in the manner directed by this Act for the recovery of other fines and penalties, and to be laid out in the like manner on the Roads and Highways; *Provided* the complaint shall be made to the Court having jurisdiction of similar offences within three months thereafter, unless it shall appear to the Court that the person so offending shall not have had his vote objected to at the time of his voting, and that the offence was committed through his ignorance of the Law upon this subject.

On neglect of Town-
ship Clerk to call
Meetings, Inhabitants
may assemble and
transact business.

V. *And be it further enacted by the authority aforesaid*, That in case the Township Clerk of any Township shall neglect or refuse to assemble the said inhabitant Householders and Freeholders, at the time and place and in the manner and form aforesaid, the said Householders and Freeholders may nevertheless lawfully meet and transact all such public business as is provided by this Act, at the time and place hereinbefore provided.

Choice of Township
Clerk, Commissioners
and other Officers.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said inhabitant Householders and Freeholders at such Township Meeting, to choose one proper person to be Clerk of the said Township; also to choose three proper persons to serve the office of Commissioners for the Township; also one proper person to serve the office of Assessor for the Township; also one proper person to serve the

office of Collector for the Township; also any number of persons to serve as Overseers of Highways Roads and Bridges for the Township; and also any number of persons to serve as Pound-Keepers for the Township, as they shall deem expedient for the year: *Provided always*, that no person shall be compelled or be liable to serve any Township Office above mentioned for two years in succession, except the inhabitant Householders and Freeholders neglect or refuse to assemble and appoint Officers, or in case they do assemble and from any cause whatever neglect or refuse to appoint particular Officer or Officers for the year as aforesaid, then and in such case the Officers of the Township for the preceding year, or such of them as shall not be relieved by the appointment of other Officers as their successors, shall continue and remain in office for the year, and shall have the same powers and be subject to the same responsibilities as if they had been legally appointed to such Office in the usual manner: *And provided also*, that no person shall be compelled to serve in any of the aforesaid offices for any Township in which he shall not reside.

On neglect of such choice Officers of preceding year to continue in office.

Person not resident not compelled to serve.

VII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the inhabitant Householders and Freeholders in any newly settled Township in which no regular Township Meetings have been by Law hitherto holden, to hold Township Meetings for the appointment of persons to serve the different offices for the Townships mentioned in this Act, so soon as such Townships shall contain thirty inhabitant Householders or Freeholders: *Provided always*, that where a Township does not contain thirty inhabitant Householders and Freeholders, such Householders and Freeholders shall be taken and reputed as inhabitants of the Township adjacent thereto containing the smallest number of inhabitants that is authorised to hold a Township Meeting, and may vote at its Township Meetings, and shall be subject to all the regulations made at the Meetings of such Townships, and all Officers legally appointed at such Township Meeting consisting or made up of two or more Townships shall and they are hereby declared to be the Officers of the several Townships composing such Meeting.

When newly settled Townships entitled to appoint Officers.

Union of Townships for certain purposes.

VIII. *And be it further enacted by the authority aforesaid*, That the following course may be adopted, which shall be lawful for convening a first Township Meeting on the first Monday in January, at the hour of ten o'clock, for the purposes of this Act in any Township which has not before legally held a Township Meeting, that is by affixing a public notice in at least three of the most conspicuous places in the Township, at least fifteen days previously, signed by a majority of the Inhabitant Householders and Freeholders of such Township, stating that a public meeting will be held

First Meeting in a new Township.

on the first Monday in the month of January ensuing, at some certain place in such Township, for the appointment of Township Officers for the year.

Right of the owner to
sue for the title to be
allowed to run at
large.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Inhabitant Householders and Freeholders of the several Townships in this Province, at such Township Meetings assembled, to determine and order in what manner, at what periods, and what description of Horned Cattle, Horses, Sheep and other animals, (not expressly provided for by law) shall be allowed to run at large, or be restrained from so doing, within their respective Townships for the year, and what shall be the fine or forfeiture upon the owner of any animals running at large contrary to such regulations; and also to make such rules and regulations as the majority may deem necessary relative to pits, precipices, and deep waters, or other places dangerous to travellers; or the destroying or suppressing the growth of such weeds as are detrimental to good husbandry; the height and description of lawful Fences, and such other matters connected with the same as may tend to promote the peace and welfare of their Township.

Dangerous roads;

noxious weeds, &c.

Duty of Township
Clerk to record pro-
ceedings.

X. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk, appointed as aforesaid for any Township, to record all such matters as shall be lawfully transacted at such meeting, and all other matters relating to the Township which by virtue of his office it shall be his duty to record; which record, together with all other records, papers, monies unexpended, and property belonging to the Township which may come into his hands by virtue of his office, shall be faithfully kept and preserved by such Clerk, and by him delivered over to his successor duly appointed.

One copy of Proceed-
ings to be posted in
public.

XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every Township Clerk appointed agreeably to the provisions of this Act, to make out two copies from his record of the proceedings of the Meeting at which he was appointed as Clerk for the Township, within twenty days after his appointment, one of which he shall post up in a conspicuous manner at the place where such Meeting was held, and transmit or deliver the other copy to the Clerk of the Peace for the District, and it shall be the duty of the Clerk of the Peace to file in his office all such copies as may be transmitted or delivered to him by the respective Township Clerks in each and every year, which shall be and remain in his office as a record, and shall be open to the inspection of any person desiring it, on payment of One Shilling to the Clerk of the Peace as his fee for his trouble in making such search.

One to be filed by
Clerk of the Peace.

XII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Clerk to cause the several Township Officers legally appointed or chosen for the year, to be served with a notice of their appointment to such offices, signed by his hand as Township Clerk, within the space of ten days from and after their appointment, requiring them to take the oath (or affirmation as the case may be) of office for their respective offices according to Law, which notice may be in the following form; Notice to the Officers of their appointment.

Sir,

You are hereby notified that you were appointed on the _____ day of _____ to the Office of _____ and you are required to take the oath or affirmation of office for the said office, according to Law. Form of notice.

(Signed)

A. B.

Township Clerk.

To C. D.

Dated, &c.

13. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Township Clerk of any Township for the time being, and he is hereby authorised to administer any oath or affirmation of office (as the case may be) authorised or required by this Act, and which oath or affirmation may be as follows: Township Clerk may administer oath or affirmation.

You A. B. do solemnly swear or affirm (as the case may be) that you will faithfully and diligently perform the duties of the office of _____ for this present year, according to Law and the best of your abilities. So help you God.

14. *Provided always, and be it further enacted by the authority aforesaid,* That the Overseers of Highways shall severally take the following oath, a copy of which shall be given to the several Overseers by the Township Clerk: Oath to be taken by overseers of highways.

You A. B. do promise and swear (or affirm as the case may be) that you will faithfully, diligently and impartially, perform the duty of Overseer of Highways, and that you will require each and every person under your charge (not having compounded for his Statute Labour) faithfully and diligently to perform the same according to Law, either in person or by an able bodied substitute, and will report every defaulter to the Commissioners, and perform all other matters and things pertaining to your office as the Law directs.—So help you God.

Names of persons taking oaths to be recorded.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Clerk, and he is hereby authorised and required, to keep a record of the names of all such as take such oath or affirmation, and report to the Board of Commissioners at each and every meeting of such Board for the year, the names of all those persons in the Township who have been legally appointed to a Township office for the year, and notified as aforesaid, and have neglected or refused to take the oath or affirmation, by this Act.

Remuneration to Township Clerk.

XVI. *And be it further enacted by the authority aforesaid,* That the Township Clerk shall be entitled to demand and receive from the Treasurer of the District, as a compensation for performing the duties imposed upon him as Township Clerk by this Act, the sum of Five Shillings for every day that he may be necessarily employed in performing the duties of his office, which sum, together with all other fees allowed to him by this Act, the Treasurer is hereby authorised and required, (on demand made) and upon affidavit of such Township Clerk made before any Justice of the Peace, that such demand is just and true, to pay to the respective Township Clerks, out of any monies that may be in his hands, unappropriated, and applicable to the general uses of the District.

Affidavit of his services.

Township Clerk may administer oath, &c.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Township Clerk of any Township, and he is hereby authorised, during the continuance of his office, to administer any oath or affirmation authorised or required to be taken or administered by this Act.

Lists of ratable property to be furnished to Assessor.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Assessor of any Township, and he is hereby authorised and required, to demand and receive from every ratable Inhabitant resident within the Township, a list of all the ratable Personal Property in his, her, or their possession in the Province, and of all the Lands, Tenements, or other Real Estate, in his, her, or their possession in the Township, specifying the number of the Lot or Lots, the number of the Concession or Concessions in which the same is or are situated, or otherwise particularly describing the same; and also the number of acres cultivated or uncultivated in each lot or parcel of Land; which list shall be taken between the first Monday in February and the Court of General Quarter Sessions of the District which shall be holden next after the first day of March in every year, and shall make a return within the time aforesaid, duly attested under oath (or affirmation) before the Clerk of the Peace for the District, or Township Clerk, of all the ratable Inhabitants, with a true list of all their Ratable Property, speci-

Period for making return;

Return to be on oath;

fyng the particulars above mentioned, and shall in like manner insert his own Ratable Property therein, at the foot of which he shall subscribe his name, and shall cause the said return to be delivered to the Clerk of the Peace, to be by him laid before the Court of Quarter Sessions at its said sittings, and shall also, within the time aforesaid, put up a correct copy thereof for the inspection of the public, at the place where the last Township Meeting was held in his Township; and the said Assessor shall, and he is hereby required, to report to the Board of Commissioners the names of all such persons in the Township as he conceives to have either given in a false list or have refused or neglected to give any list, as the Law directs of their Ratable Property, in order that such offender may be dealt with according to Law, at least fourteen days previous to his returning such roll to the Clerk of the Peace.

To be delivered to Clerk of the Peace.

Names of defaulters.

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for every Assessor, and he is hereby required, to demand and receive from every Inhabitant Householder or head of a Family in his Township, a true and correct list of the number of persons composing such family, male and female, and their respective ages, also all deaf and dumb and insane persons, including therein all persons employed by or resident with such Householder or Head of a Family, which list shall or may be in the following form:—

Assessors to be furnished with lists of all persons within each household;

Names of Heads of Families.	Number in each Family.				Deaf and Dumb.	Insane.
	Males.		Females.			
	Under 16.	Over 16.	Under 16.	Over 16.		

And if such Householder or head of a family shall refuse or neglect to give a true and correct list to the Assessor, he shall be liable to pay the same penalty as persons are liable to pay who neglect or refuse to give in a true list of their Ratable Property to the said Assessor, to be levied and collected and expended in the same way.

Penalty for neglect.

XX. *And be it further enacted by the authority aforesaid,* That every Assessor shall subscribe such list to be taken by him, and shall deliver or

Assessors to subscribe lists.

transmit the same to the Clerk of the Peace for the District, before the said Sittings of the Quarter Sessions, verified upon oath or affirmation, before the Township Clerk, or Clerk of the Peace of the District, to be a true list.

Clerk of the Peace to
make general list of
population of District.

XXI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace in every District, to make out a general Return of the Population of his District, from the several Returns which he may receive from the Assessors for the year, and to transmit the same to the office of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, on or before the first day of July in each and every year; and if such Return shall not contain the whole Population of his District, he shall send in a Return of such Townships as may be deficient, as soon as practicable after he shall be enabled to do so by Returns of the Assessors of such Townships.

Remuneration to
Assessors.

XXII. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for each and every Assessor to demand and receive from the Treasurer of his respective District, the following fees, as a compensation for the duties imposed upon him by this Act, viz.:—If the Assessment of the rate of One Penny in the Pound, for the year, does not amount to Fifty Pounds, he shall receive a sum equal to Seven Pounds for every One Hundred Pounds; if above Fifty Pounds and under One Hundred Pounds, a sum equal to Six Pounds Ten Shillings for every One Hundred Pounds; if above One Hundred Pounds and under One Hundred and Fifty Pounds, a sum equal to Six Pounds, for every One Hundred Pounds; if above One Hundred and Fifty Pounds and under Two Hundred Pounds, a sum equal to Five Pounds Five Shillings for every One Hundred Pounds; if above Two Hundred Pounds and under Two Hundred and Fifty Pounds, a sum equal to Four Pounds Fifteen Shillings for every One Hundred Pounds; if above Two Hundred and Fifty Pounds and under Three Hundred Pounds, a sum equal to Four Pounds Five Shillings for every One Hundred Pounds; if above Three Hundred Pounds and under Three Hundred and Fifty Pounds, a sum equal to Four Pounds for every One Hundred Pounds; and if above Three Hundred and Fifty Pounds, a sum equal to Three Pounds Ten Shillings for every One Hundred Pounds.

Duty of Collector.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Collector appointed for a Township, and he is hereby authorised and required, after first having received a certified copy from the Clerk of the Peace, of the Assessment Roll for the Township

for the previous year, which certified copy shall be to each and every Collector sufficient authority for collecting the same from time to time, to demand and receive from the Inhabitants of the Township, all such Rates and Assessments as may be due and payable on such Assessment List, and shall pay the same over to the Treasurer of the District on or before the said Sitings of the Court of Quarter Sessions: *Provided always*, that it shall and may be lawful for every such Collector to reserve for himself the following Fees, as a compensation for his services as such Collector, that is to say,—If the Assessment of the Township for which he is Collector does not amount to Fifty Pounds, he shall retain a sum equal to Eight Pounds for every One Hundred Pounds he collects; if above Fifty Pounds and under One Hundred Pounds, a sum equal to Seven Pounds Ten Shillings for every One Hundred Pounds; if above One Hundred Pounds and under One Hundred and Fifty Pounds, a sum equal to Seven Pounds Five Shillings for every One Hundred Pounds; if above One Hundred and Fifty Pounds and under Two Hundred Pounds, a sum equal to Seven Pounds for every One Hundred Pounds; if above Two Hundred Pounds and under Two Hundred and Fifty Pounds, a sum equal to Six Pounds Ten Shillings for every One Hundred Pounds; and that for all sums over Two Hundred and Fifty Pounds, a sum equal to Five Pounds for every One Hundred Pounds.

Remuneration to Collector.

XXIV. *And be it further enacted by the authority aforesaid*, That if any person whose name is inserted upon such Assessment Roll, shall neglect or refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said Collector, or his Agent duly appointed, the said Collector, upon oath before one of the said Commissioners of such demand and refusal of payment as aforesaid, shall be entitled to demand an execution for the amount of such Rate or Rates, which execution the said Commissioner is hereby authorised and required to grant; and upon the receipt of the same the said Collector shall, and he is hereby authorised and required to levy the same by distress and sale of the Goods and Chattels of the person so neglecting or refusing to pay, having eight days previous notice of such Sale in three public places in the Township, and render the overplus, if any there be, to the owner thereof, after deducting the amount of the rates Assessed and the legal charges of distress and sale.

Rates may be recovered by Execution and Distress.

XXV. *And be it further enacted by the authority aforesaid*, That the following fee, and no more, shall and may by such Collectors be taken for every distress, advertising and sale, viz: Three Shillings and Nine Pence.

Fee upon each Distress.

Security to be given
by Collector.

XXVI. *And be it further enacted by the authority aforesaid,* That each and every Collector shall, within eight days after his appointment, and before he shall collect any money by virtue of his office, enter into a Bond, jointly and severally with two sufficient Freeholders to be approved of by the Township Clerk, to the Treasurer of the District to the full amount of double the Assessment of the Township for the preceding year, which Bond may be in the following form :—

Form of Bond

Know all men by these presents that we, A. B., Collector of the Rates for the Township, or Townships, of ———, in the District of ———, and C. D. of ———, and E. F. of ———, are held and firmly bound to J. O. Treasurer of the District of ———, in the sum of ———, Currency, to be well and truly paid to the said J. O. Treasurer as aforesaid, or his successor in office, for which payment well and truly to be made to the said J. O., we bind ourselves, jointly and severally, our heirs, executors and administrators, firmly by these present : Sealed with our Seal.

The condition of the above Bond is such, that if the above bounden A. B. shall collect all the Rates and Assessments of the Township, or Townships, of ——— for the preceding year, ending the first Monday in January in this present year, so far as the Law may enable him to do, and shall pay all the monies which he may so collect (except his own percentage) to the Treasurer of the District, on or before the next ensuing sittings of the Court of Quarter Sessions which may be next after the first day of March, then this obligation to be void, or otherwise to remain in full force and virtue.

Collection of Rates
in arrears.

XXVII. *And be it further enacted by the authority aforesaid,* That if at any time it shall happen to be out of the power of any Collector of any Township to collect the Assessment due from any person, for want of assets to satisfy the same, or by reason of any person being out of the Township, or upon any other account, it shall and may be lawful for the Collector of such Township in any subsequent year to collect such Rates, in the same way and manner as if such Rate was due for the year for which he shall be appointed.

Security by Township
Clerk.

XXVIII. *And be it further enacted by the authority aforesaid,* That each and every Township Clerk shall, on or before the first meeting of the Township Commissioners after his appointment, enter into a Bond, jointly and severally with two sufficient Freeholders, the Freeholders and the amount of the Bond to be approved of by the Board of Commissioners, which Bond shall be to the Commissioners, and in the form pre-

scribed by this Act for Collectors, except the Condition, which may be in the form following:—

The condition of the above Bond is such, that if the above bounden A. B. shall well and truly pay over all monies coming into his hands by virtue of his office, and applicable to the general uses of the Township, and deliver the remainder, (if any there be) together with all books, records and papers, belonging to the Township, into the hands of his successors in office; as the Law directs, then this obligation to be void, or otherwise to remain in full force and virtue.

Condition of Bond.

XXIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Overseers of Highways of any Township, and they are hereby severally authorised and required, to superintend, make, and keep in repair, the Highways, Roads, Streets and Bridges, that may be allotted to them severally from time to time, and ordered by the Board of Commissioners for the Township; and every such Overseer shall, after having received such order, by giving at least three days notice of the day, hour and place, summon such persons within his division as are liable to perform Statute Labour that may be due, and order them to work within the time stated in such order, on such part of the Roads, Bridges or Highways, as they are directed to make, amend or repair, and shall or may direct all persons performing such labour to destroy as much as may be in their power, such weeds as are in his opinion hurtful to good husbandry, and shall give to every person who may have done his Statute Labour for the year, requiring the same, a certificate under his hand, of having performed his share of the Statute Labour in that Township for the year, in order to prevent such person from being called out again in any other Township to which he may remove.

Duties of Overseers of Highways.

XXX. *And be it further enacted by the authority aforesaid,* That when any Road or Highway passes any deep water, precipice, or other dangerous place, the Overseer in whose division such place may be situated, shall by Statute Labour cause good and sufficient guards, rails or fences, to be erected, in order to make such places safe, and shall also erect finger-posts at all such places within his Division as shall be necessary for the direction of travellers.

Fence to be erected where road borders on dangerous place.
Guide posts.

XXXI. *And be it further enacted by the authority aforesaid,* That any person liable to perform Statute Labour according to Law, may compound for such duty, if he or she shall think fit, on or before the first day of May, by paying to the Overseer acting for the Division in which he or she resides, the sum of Five Shillings for a team and driver for

Composition for Statute Labour.

every day that he or she may be required to work on the Road with such team and driver, and also by paying as aforesaid the sum of Two Shillings and Six Pence for every day he or she may be called on without such Team as aforesaid; and such Overseer is hereby authorised and required to accept the said sum in place of such Statute Labour, and shall and may lay out and expend the same in such manner as to him shall seem best for the improvement of the Roads or Bridges allotted to his Division, and render an account of the same, as is provided by this Act.

Repairs of Bridges.

XXXII. *And be it further enacted by the authority aforesaid,* That in order to provide materials for making and erecting any Bridges or Causeways, or making or repairing any Road, it shall and may be lawful for any Overseer of Highways, in the actual discharge of his duty, to direct the persons performing Statute Labor to cut down or make use of any tree or underwood standing upon any uninclosed and unimproved Lands, and also break up and make use of any stone upon any unimproved and uncultivated Land that such Overseer may think necessary for that purpose, and wilfully doing no unnecessary injury to the premises from whence they are taken.

Repairs of the Highways, and by whom.

XXXIII. *And be it further enacted by the authority aforesaid,* That the Roads and Highways in and through every Township, as also a just share of any Road actually required and necessarily running between the same and any other Township, shall be cleared, repaired and maintained, by the Inhabitants thereof; and that every person liable to perform Statute Labour, if not compounded for as aforesaid, shall either in person or by a sufficient and ablebodied man in his or her stead be obliged, under the direction of the Overseer acting for the Division, to work faithfully and diligently on the said Road, and shall bring with him one spade, axe, pickaxe, bar, or such other implement or instrument useful for the purpose aforesaid, as he may be owner of, and be directed by the Overseer to bring, for and during any space of time he may be liable to work on the said Roads in each and every year, allowing eight hours to each day's work, exclusive of the time of going to and from the place of work; and that every person within any Township keeping a Cart, Waggon, or Team of one or more Horses, Oxen or Beasts of burthen or draught, used to draw the same, shall send on every day to be appointed by the said Overseers, a Cart, or Waggon and Team, and one ablebodied man to drive the same, for such space of time as he shall be liable to work on the said Roads according to Law, allowing eight hours for each day's work, which said day's work shall be held equivalent to two days personal labour; and if any labourer or driver shall refuse or neglect to work faithfully, or to carry good sufficient loads during the time above mentioned,

Labourer &c. refusing to work.

it shall and may be lawful for the said Overseer, and he is hereby authorised and required to discharge such Labourer, and the person furnishing such Team shall be liable to the forfeiture which every such person would have incurred by virtue of this Act, in case such Labourer had not attended, or such Team and Driver had not been sent, and shall not be allowed for the part or portion of the day which he may have laboured. Penalty.

XXXIV. *And be it further enacted by the authority aforesaid,* That the several Overseers of Highways in the several Townships shall cause all Statute Labour under their direction and control to be performed, and all monies coming into their hands in lieu of Statute Labour, to be expended between the first day of May and the fifteenth day of July in each and every year, except otherwise directed by the Township Commissioners for the said Township. Time limited for expenditure of monies.

XXXV. *And be it further enacted by the authority aforesaid,* That every person liable to perform Statute Labour in any Township or Division, and not having compounded for the same according to Law, who shall neglect or refuse, after having been duly notified as aforesaid, to attend himself or send a sufficient ablebodied man in his stead, with such Carriage, Team, Implement or Instrument, as may be by this Act required, and directed by the Overseer, at the time and place appointed, shall forfeit and pay the sum of Five Shillings for each day he shall so neglect or refuse; and every person who shall neglect or refuse after notice given as is provided by this Act, to view Fences and appraise Damages, and to deliver his determination within the time specified by this Act, shall forfeit and pay a sum not less than Five Shillings, nor more than Twenty Shillings, to be recovered by the Board of Commissioners, by confession or upon the oath of one credible Witness, and to be levied by Warrant under the hand and seal of the Commissioners, by distress and sale of the Goods and Chattels of the person so offending, rendering the overplus, if any there be, to the party, after deducting the penalty and legal charges attending such distress and sale; and the imposing of any such fine or penalty by the Commissioners on any person, shall not in any wise release such person from performing any duty required of him by this Act, but he shall be liable and subject to perform the same at any time within the current year, when called upon so to do by the proper Officer, as though no such fine or penalty had been imposed upon him. Penalty of five shillings each day for not doing statute labour; Penalty not exceeding 20s. on Fence Viewers for neglect or refusal.

XXXVI. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully stop up any Road or Roads in any Township, or shall pull down or destroy any Fence, Railing or Guard, that shall have Nuisances on the roads;

been erected along any Water, Bridge or Precipice, for the safety of Travellers, or any Guide or Finger-post, such person so offending shall forfeit and pay for every such offence a sum not less than Five Shillings nor more than Five Pounds, to be recovered in the manner provided by the preceding Clause of this Act; or in case any Tree or Trees shall be cut down in, or fall out of any enclosed Land, in such a way as to obstruct any Public Road or Highway, the Owner or Occupier of such enclosure shall remove the same within twenty-four hours after notice received of such obstruction, under the penalty of Ten Shillings for every day the obstruction shall continue: the penalty to be recovered in like manner.

Penalty not exceeding five pounds;

Trees;

Penalty.

XXXVII. *And be it further enacted by the authority aforesaid,* That the Overseers of each and every Township shall severally make out a true list or account of all persons within their respective Divisions, and also of all who own either a Sleigh, Cart, or Waggon and Team, and who are liable to work on the Highways, and of the labour done or unperformed by any person liable to perform or compound for the same, and also of all Monies that may have come into his hands by virtue of his office, and of the expenditure or payment of the same, which list or account shall be subscribed by such Overseer, and delivered verified upon oath or affirmation, if required, to the Board of Commissioners for the Township, at their Meeting on the second Saturday in November.

Overseers accounts.

XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of any Pound-Keeper appointed under the provisions of this Act, to provide himself with sufficient yards or enclosures for the safe keeping of all such Animals as it may be his duty to Impound, and he is hereby authorised and required to Impound all Animals unlawfully running at large, trespassing and doing damage, that may be delivered to him by any person resident within his Division taking up the same; and it shall be his duty to furnish the same with necessary food and drink, and if after the space of forty-eight hours the said Animals shall not be claimed and redeemed by the Owner, or some one in his behalf, paying the Pound-Keeper his lawful demand and charges, and the amount of damages awarded in the manner hereinafter mentioned to have been done by such Animals, to the person taking up the same, he shall cause a Notice in writing to be affixed in three public places in the Township, for at least fifteen days, which Notice shall give a description of such Animals, and also state the time and place at which he intends to expose the same to sale; and if the Owner of such Animals, or some one in his or her behalf, does not within the time specified in such notice as aforesaid, redeem the same, by paying to the said Pound-Keeper his legal

Pound-keepers to provide enclosures for impounded cattle;

Animals running at large may be impounded;

Notice.

Redemption by the Owner.

charges, and the damages awarded to the person taking up such Animals, the said Pound-Keeper shall proceed to sell the same to the highest bidder at the time and place mentioned in the Notice, which sale is hereby declared to be valid in Law; and the said Pound-Keeper shall, after deducting his own legal charges and the damages awarded to the person taking up the said Animals, provided he is the party injured, return the overplus (if any there be) to the original owner: *Provided always*, that if no person shall appear to claim the said Animals within the space of three months after public notice and sale as aforesaid, the said Pound-Keeper shall pay the overplus (if any) into the hands of the Township Clerk for the time being, to be laid out for the improvement of the Roads and Bridges within the Township.

XXXIX. *Provided always, and be it further enacted by the authority aforesaid*, That if any Ox or Oxen, Horse or Horses, shall be impounded as aforesaid, and not claimed before the expiration of fifteen days as aforesaid, and the owner thereof shall not be known by the said Pound-Keeper, then and in that case the Pound-Keeper shall not sell such Ox or Oxen, Horse or Horses, at the time stated in such notice, but shall postpone the sale thereof for the space of three months, at the expiration of which time such Pound-Keeper shall proceed to sell the same, and dispose of the proceeds in the manner mentioned in the last preceding clause of this Act: *Provided always*, that the owner of the same may at any time before such sale, redeem such Animal or Animals, by paying demands as aforesaid.

XL. *Provided also, and be it further enacted by the authority aforesaid*, That it shall be the duty of all and every person taking any Animal or Animals to a Pound-Keeper to be impounded, at the same time, or within twenty-four hours, to state in writing to the said Pound-Keeper all demands he may have against the Owner of such Animal or Animals for damages done by them; and in case the Owner of such Animal or Animals shall tender to the Pound-Keeper the full sum which shall or may be awarded as damages to the party suffering the same, with the costs then incurred, such Owner shall not be liable to any costs afterwards incurred, but all such subsequent costs in such case shall be borne by the party claiming extravagant damages.

XLI. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Pound-Keeper, and he is hereby authorised and required, within twenty-four hours after having impounded any Animal as aforesaid, to notify three disinterested Freeholders to appraise the damages done by the said Animals, and also to judge of the sufficiency

Sale.

Overplus.

Oxen and Horses impounded not to be sold under 3 months notice.

Tender of damages by the Owner within 24 hours.

Appraisal of the damages by three Freeholders;

To view the Fence.

of the Fence enclosing the ground wherein such Animals were found doing damage; and such Freeholders, or any two of them, shall, within twenty-four hours after the receipt of such notice, view such Fence, and determine whether the same is a lawful Fence according to the Resolutions of the Township Meeting on that subject, and if so, appraise the damage done, and having reduced their award to writing, shall deliver the same, subscribed with their names, to the Pound-Keeper, within the space of twenty-four hours after having been so notified: *Provided always*, that if the said Freeholders shall not award any damages to the person taking up such Animals, the Pound-Keeper shall, on demand, deliver the same to the owner thereof, and shall be entitled to recover his costs and charges from the person at whose instance such Animals were impounded.

Award in writing.

If no damages be awarded, the Cattle to be delivered to the Owner.

XLII. *And be it further enacted by the authority aforesaid*, That it shall not be necessary for the Pound-keeper to cause Fences to be viewed and damages to be appraised as aforesaid in cases where Animals are impounded by him that may be lawfully impounded without being found doing actual damage, as for instance Rams, and other Animals not free commoners, but shall otherwise proceed as the Law directs.

In what cases Fences need not be viewed.

XLIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any person whatsoever to take up any Ram, Bull or Boar, which he may find running at large contrary to the Regulations made in that respect for the year at the Township Meeting, and deliver the same to the Pound-Keeper, to be dealt with according to Law.

Rams, Bulls, &c.

XLIV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of any Pound-Keeper to impound any Ram, Bull or Boar as aforesaid, that may be delivered to him, and advertise the same at three public places in the Township, for the space of eight days, or such further time as shall be lawfully prescribed by any Regulation at the Township Meeting, and at the expiration of the said term publicly to sell the same to the highest bidder at the time and place stated in such advertisement, unless such Ram, Bull or Boar, shall be previously claimed and redeemed by the Owner thereof, by his paying to such Pound-Keeper his fees and such other sum as shall be imposed as a fine or penalty at the Township Meeting on the Owner of any Ram, Bull or Boar, which may be found running at large at certain seasons of the year; and such Pound-Keeper shall pay over all sums that he may so receive, except his fee, to the Township Clerk for the year.

Pound-Keeper's duty to impound Rams, Bulls, &c.

Advertisement:

Sale.

XLV. *And be it further enacted by the authority aforesaid,* That every Pound-Keeper appointed by virtue of this Act shall be authorised to take such and no greater fees for performing the duties imposed upon him, or for feeding Animals as aforesaid, as may be authorised and allowed by the Board of Commissioners for the year; and it shall be his duty to pay over without delay to the person entitled to receive the same, such sums awarded as damages as may come into his hands by virtue of his office.

Pound-Keeper's Fees.

XLVI. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed agreeably to the provisions of this Act shall be known by the name of the Board of Commissioners for the Township of ———, and as such shall be capable of performing, ordering and doing, all such matters and things as shall be authorised by this Act, and the majority of them shall be competent to transact any lawful business agreeably to this Act, for the benefit of their respective Townships.

Commissioners how styled.

XLVII. *And be it further enacted by the authority aforesaid,* That the Clerks of the respective Townships shall be, and are hereby declared to be the Clerks of and for the Board of Commissioners, and as such shall attend all their meetings, and record in a book to be by them kept for that purpose, all judgments, decisions or orders, that shall be made by such Board, and all other matters and things which it may be necessary to have recorded for reference, which records shall be considered and taken to be part of the records of the Township, and as such shall be delivered by them over to their successors in office.

Clerks to the Commissioners.

XLVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Board, and they are hereby required, to meet at the same place at which the Township meeting was last before holden, at the hour of ten of the clock in the forenoon, on the third Saturday in January, on the first Saturday in July, and on the third Saturday in October, and also at as many other times and places in the Township as they may deem expedient, for the purpose of performing the duties imposed upon them by this Act.

Meetings of the Board.

XLIX. *And be it further enacted by the authority aforesaid,* That the Board of Commissioners for any Township shall, and they are hereby authorised and required to take charge of, allot, and order to be made, repaired and kept in repair, in such manner as they may think expedient, all such Roads and Bridges as are now or shall be required to be kept in

May order repair of Roads and Bridges.

repair by the Inhabitants of such Township by any Act or Acts of the Legislature of this Province.

Divisions of Townships.

L. And be it further enacted by the authority aforesaid, That it shall be the duty of such Board, and they are hereby authorised and required, at their meeting on the third Saturday in January, or at some adjourned meeting before the third Saturday in April, to divide the Township into divisions, and to allot to the several Overseers their respective divisions, and to order the said Overseers to expend the Statute Labour on the Roads within the same, or they may order the whole or any part of such Statute Labour to be done on the road or roads in any particular part of such Township, or any adjacent Township, as to them shall seem expedient; and also to hear and determine upon all such matters as may come before them by virtue of this Act.

To regulate compensation of Pound-Keepers.

LI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such Board to resolve what fees or compensation for Poundage or for feeding animals shall or may be taken by the several Pound-keepers in the Township for the year, and also the quantity of provender that shall be daily allowed to the several animals impounded, and also allot to said Pound-keepers their several precincts or divisions, a statement of which shall be transmitted to the several Pound-keepers for their guidance, and a true copy posted up in some public place in the Township within the respective precincts of the Pound-keepers.

Board to fill up vacant offices.

LII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such Board, and they are hereby required at any of their meetings as aforesaid, to fill up all vacancies in the Township offices, by appointing other officers instead, that may occur by reason of death or removal from the Township, or by any person neglecting or refusing to take the oath or affirmation of office required by law, or by neglecting or refusing, after having taken such oath or affirmation, to perform the duties of the office; and the Township Clerk shall notify, and administer an oath or affirmation of office to such as may be appointed at Meetings of the Board, and report delinquents in the same manner as if they had been appointed at the Township Meeting, and such Officers so appointed by such Board, shall have the same power and authority and be liable to the same responsibilities and penalties that they would have been had they been appointed at the Township Meetings.

Exemptions from Statute Labour.

LIII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act any person who is not assessed at more than twenty-five Pounds, and who, by reason of age, sickness, or numerous

family or misfortune, may be in poor and indigent circumstances, may apply to the Board of Commissioners for the Township in which such person resides, and the said Board on such application, having first notified the Overseer acting for the Division in which such person resides to appear on the part of the public, shall examine and inquire into the situation and circumstances of the person making such application, and if it shall appear to such Board that such person is really poor and indigent, and therefore desires to be released from a part or the whole of his or her Statute Labour, the said Board may in their discretion exempt such person from the performance of the whole or a part of his or her Statute Labour upon the Highways for the year, and give him a certificate to that effect which shall be an acquittance of the same.

LIV. *And be it further enacted by the authority aforesaid,* That if any person legally appointed to any Township office agreeably to the provisions of this Act shall neglect or refuse to take an oath or affirmation of office before the proper officer for administering the same within eight days after being duly notified, or after taking such oath or affirmation shall neglect or refuse to perform the duties of his office agreeably to the provisions of this Act, or shall take any greater fee or allowance than is authorised by this Act; or if any person shall neglect or refuse to deliver in a true list of his or her Ratable Property real or personal, as the Law directs in manner and form aforesaid, or shall wilfully mis-state such Ratable Property, such person shall forfeit and pay a sum not less than one pound nor more than five pounds, with costs, for every such neglect, refusal or violation of the Law, to be levied by distress and sale of the offenders Goods and Chattels, eight days previous notice of such sale being given, and the overplus, if any, being rendered to the owners.

Penalty for refusal to take oath of office:

Or exact larger Fees &c

LV. *And be it further enacted by the authority aforesaid,* That upon complaint of such neglect, refusal or violation of the Law, before the Board of Commissioners for the Township wherein the offence was committed, or if such neglect or refusal shall come to the knowledge of the said Commissioners, by returns as aforesaid, the said Board shall, after summoning the party or delinquent before them, (which Summons either of the Members of the said Board is hereby authorised to issue) hear and determine the same, and upon sufficient proof being made of such wilful neglect or refusal, or violation of the Law, or misstatement, by the confession of the party, or the oath of one credible Witness, shall issue such Warrant of distress and sale as aforesaid, to some Constable who is hereby authorised and required to execute the same, unless the sum or penalty be immediately satisfied, and such sums or penalties when collected, shall be paid into the hands of the Township Clerk.

How proceeded against.

Commissioners' wages.

How paid.

Amount.

LVI. *And be it further enacted by the authority aforesaid,* That the several Commissioners for the several Townships shall be entitled to demand and receive from the Treasurer of the District, as a compensation for performing their respective services and duties imposed upon them by the provisions of this Act, the sum of Five Shillings per day, for every day they are necessarily engaged in the said duties and services, the said days to be certified by the Township Clerk, which sum the Treasurer of the District is hereby authorised and required to pay, on demand and production of such Certificate, out of the public monies in his hands unappropriated and applicable to the general uses of the District; and the Commissioners aforesaid shall render an account to the Township Clerks respectively, of the amount of monies so received by them for their respective services, which account, together with all monies received by the said Clerk for his services, shall be by him laid before the next Township Meeting for inspection.

Constables' fees.

LVII. *And be it further enacted by the authority aforesaid,* That the Constable to whom any Warrant, Execution or Summons may be directed, authorised to be issued by this Act, shall be entitled to the following fees and no more, for executing such Warrant, Execution or Summons, viz.: Four Pence per mile for every mile he may have to travel to execute the same, which travel shall be verified upon oath if required, and for levying, advertising, selling and making returns, Two Shillings and Six Pence; for every Summons served, Eight Pence.

Board to examine Overseers returns;

And summon defaulters.

LVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Board carefully to examine the returns of the several Overseers and of the Township Clerk, and also the Books, Accounts, and Papers of such Clerk, and when it shall appear from such returns and records that there has been a neglect of duty on the part of such Officer, or when it shall appear that any person has neglected or refused to give in a true list of his or her Ratable Property, or has refused or neglected to perform his or her Statute Labour, according to Law, such Board may and they are hereby authorised and required to summon such person to answer for such offence, and proceed against him as if complaint had been duly made of such neglect.

Board may issue Summons.

LIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Board, or any one of them, to issue a Summons under his or their hands to any person in the Township, that may be required by any party; or if such Board shall think it necessary to require the attendance of any Witness to appear before the said Board, at any of their Meetings to be held as aforesaid, to give evidence or to

answer to a complaint, (as the case may be) which Summons may be in the following form:

To A. B.

You are hereby required to be and appear before the Board of Commissioners for the Township of _____ on the _____ day of _____ at _____ in the said Township, to give evidence respecting a complaint against C. D. and for (describing the complaint) or to answer to a complaint against you, (describing the complaint) as the case may be. Dated this _____ day of _____ 183 _____. Form of Summons.

E. F. Commissioner.

LX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty's Justices of the Peace to pay into the hands of the Town Clerk appointed under this Act, all Monies arising from fines, &c., under the Act passed in the fourth year of His Majesty's reign, entitled, "An Act to provide for the summary punishment of Petty Trespasses and other offences;" also the commutation in lieu of Militia Service, under the authority of a certain Act of the Parliament of this Province, passed in the fourth year of His Majesty's reign, entitled, "An Act for the relief of certain Religious Denominations of persons called Menonists, Tunkers and Quakers," which said monies shall be paid over to the Town Clerk of the Township in which said fines may be imposed and collected, any Law, usage or custom to the contrary notwithstanding. Application of fines &c.

LXI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Town Clerk to make out a full and detailed statement of all monies received and expended by virtue of this Act, during the current year, which statement shall be signed and certified by the said Clerk, and a copy thereof shall be by the said Clerk put up for public inspection at three of the most public places within said Township, one of which shall be the place at which the ensuing Township Meeting shall be ordered to be held, on or before the third Monday of December; and the said Clerk shall be allowed for each copy of said statements the sum of Ten Shillings. Township Clerk to make out an annual account.

LXII. *And be it further enacted by the authority aforesaid,* That all monies that shall come into the hands of any Township Clerk, by virtue of his office, shall and may be expended by the Board of Commissioners for the Township, in making or improving the Public Highways, Roads and Bridges of such Township, and such Township Clerk is hereby authorised and required to pay the sum, or any part thereof, that may be Monies received by the Clerk to be expended in improving roads, &c.

required, to the Order of such Board, and in case any such monies shall remain in his hands unexpended, at the expiration of his term of office, the same shall on demand be by him paid over to his successor, within, four days after the said termination of his office.

Wild lands assessments.

LXIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for every Township Clerk to ask and receive from the Treasurer of the District in which the Township is situated for which he is Clerk, at any time after the holding the Quarter Sessions next after the first day of March in that year, all monies that have been paid into the Treasury for his Township, under the Wild Land Assessment Act, for the improvement of Roads and Bridges, and that have not been expended: *Provided always,* that the respective Township Clerks first appointed under the provisions of this Act, are hereby authorised to demand and receive from the Treasurer, all such money as aforesaid, as may be remaining in the Treasury and unappropriated, any law, usage or custom to the contrary in any wise notwithstanding.

Application of such assessments.

LXIV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Commissioners for any Township, to lay out and expend the money coming into the hands of the Clerk of the Township, arising from the Wild Land Assessment Law, in making or improving the Roads and Bridges in the Township in which the Lands are situated for which such Taxes are paid, and the said Commissioners shall make out a return of the amount so received, and the manner and place where the same has been expended, which return shall be handed to the Clerk, to be laid before the next Township Meeting, for their information.

Road Contract.

LXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of any Township, legally appointed according to the provisions of this Act, to compound or agree with any person or persons resident in the Township, for the making in a permanent and substantial manner, any part of any public Road within their Township, in lieu of his or their Statute Labour, which he or they may be by Law required to perform in the Township, for any number of years not exceeding five, which agreement shall be committed to writing and signed by the parties, and thereupon it shall be binding on the Commissioners and their successors, and the other person or persons being a party to such agreement, and upon the due performance and completion of such agreement, the person or persons performing the same shall be exempt from all Statute Labour in the Township, for the full term of time agreed upon as aforesaid.

LXVI. *Provided always, and be it further enacted by the authority aforesaid,* That in case any person or persons after having subscribed to any agreement as aforesaid, shall neglect or refuse to perform the same, in the manner and within the time specified in such agreement, he or they shall be liable to the like penalty that persons are by this Act who refuse or neglect to perform their Statute Labour.

Breach of road contract.

LXVII. *And be it further enacted by the authority aforesaid,* That if it shall happen that any person or persons shall enter into an agreement with the Township Commissioners as aforesaid, and in pursuance of such agreement make a part or the whole of the road required by such agreement, but upon which there shall arise a dispute between the Commissioners making the agreement, or their successors, and the other party thereto, touching the fulfilment of such agreement, such dispute shall and may be submitted to three Overseers of Highways acting in the Township for the year, and such three Overseers of Highways shall be drawn by a public and impartial ballot, from the whole list of Overseers of Highways acting in the Township for the year, which ballot shall be made by the Township Clerk, who shall give the two contending parties due notice of the time and place where such ballot shall take place; and it shall be the duty of such Clerk to appoint a time and place for the meeting of such Overseers of Highways so balloted, giving them, and also the parties to such dispute, at least eight days notice, and thereupon it shall be the duty of such Overseers of Highways to meet, and after having the said agreement submitted to them, and examining the premises, to make such award as to them shall appear just and right, which award shall be binding on the parties, and be final.

Disputes between Commissioners and road Contractors to be referred to three overseers.

To be chosen by ballot.

LXVIII. *And be it further enacted by the authority aforesaid,* That if any one to whom an oath or affirmation may be administered, under the provisions of this Act, except those of office, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished therefor as for wilful and corrupt perjury.

Perjury under this Act.

LXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the said Clerk, and he is hereby authorised and required to demand and procure the Bond to be given, as directed by this Act, by the Collector of the Township, and transmit the same to the Treasurer of the District; and in case it shall so happen that the Collector so appointed for the year, shall not procure two Freeholders for his sureties, as by this Act required, the circumstance shall be reported by the Clerk to the Board of Commissioners, at their next meeting, who may

Collector's bond.

hear and determine the matter in such manner as to them may appear just, and may either remove the said Collector from office and appoint another in his stead, or impose a penalty, in the same manner as if he had neglected or refused to perform the duties of his office.

Town Wardens.

LXX. *And be it further enacted by the authority aforesaid,* That the Commissioners to be chosen under this Act shall have power to discharge the duties incumbent upon Town Wardens under the Act passed in the thirty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to provide for the education and support of Orphan Children."

Examination of township records.

LXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person to examine any or all of the Books or Records of the Township, at all seasonable hours, upon the payment of One Shilling to the Township Clerk, as a fee for his trouble in making or assisting to make the same.

Mistake in assessment rolls.

LXXII. *And be it further enacted by the authority aforesaid,* That if through any inadvertency, or otherwise, the name of any person which should have been inserted in any Assessment Roll, shall be omitted, such person shall nevertheless be liable to work on the Highways in the Township or Division in which he may reside, in the same proportion as if no such omission had taken place.

Commencement of this act.

LXXIII. *And be it further enacted by the authority aforesaid,* That this Act shall go into effect on the first day of December next after the passing of the same, and no sooner.

Act to continue four years.

LXXIV. *And be it further enacted by the authority aforesaid,* That this Act shall be and remain in force for four years from the time of its going into operation, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Sudden breaches in the roads to be repaired.

LXXV. *Provided always, and be it further enacted by the authority aforesaid,* That in case it shall be necessary to repair any sudden breach which may be caused in any Public Highway, by reason of any Bridge or Causeway giving way, or from any other casualty; or to remove any obstruction on account of snow; or to fix or set up beacons or stakes as a guide for Travellers over any frozen waters, marsh, plain, or other place, it shall and may be lawful for the Overseer or Overseers of Highways in whose Division the same may occur, and they are hereby required, to repair, remove or establish, as aforesaid, or cause the same

to be done, by applying any money in their hands and applicable to the Roads, and unappropriated, or to direct the application (for that purpose) of any Statute Labor subject to their control; and in case it shall happen that such Overseer or Overseers shall not at the time have any money or Statute Labor under his direction which he may apply for the purposes aforesaid, it shall and may be lawful for such Overseer to direct any person in his Division, and liable to perform Statute Labor, to repair such breach, remove such obstruction, or erect such guides as aforesaid; and such Overseer shall keep an account of the number of days any person or persons may work on the Roads for the purposes aforesaid, which account such Overseer shall transmit to the Clerk of the Township, to be laid before the Commissioners of the Township; and the said Commissioners, after examining the said account, if it shall appear just and expedient, may exempt any person who may have worked as aforesaid from performing any part of his or her Statute Labor for the next year, and shall give such person as aforesaid a writing to that effect, which shall be taken and considered by the Overseer under whose direction such person may be liable to work, and credited to such person for so much of his Statute Labor; and any person who shall neglect or refuse to perform such Labor or obey the orders of the Overseer when required to work as aforesaid, shall be liable to the same penalties, and which may be recovered and disposed of in the same way and manner as is provided by this Act for neglecting to perform Statute Labor or disobeying the Overseers of Highways, except such person can make it appear that he had a reasonable excuse for so doing: *And provided also*, that the said Overseer shall, and he is hereby required, to proportion such Labor among the several persons within his Division liable to perform Statute Labor, as nearly equal as circumstances will permit.

LXXVI. *And be it further enacted by the authority aforesaid*, That the Commissioners appointed by this Act, for their respective Townships, and their Successors, duly appointed, shall be as a Corporation to represent the whole Inhabitants of the Township for which they are Commissioners, and as such may have and hold the Property of or belonging to the Township, and shall and may sue, prosecute or defend, in all presentments, indictments or actions, for and on the behalf of the said Township.

Commissioners to
act as Township
Corporation.